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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION
20

21 BACKWEB TECHNOLOGIES, LTD.,

22 Plaintiff,

23 v.

24 MICROSOFT CORPORATION;
IANYWHERE SOLUTIONS, INC.;
25 SYBASE, INC.; AND SYMANTEC
CORPORATION,
26

27 Defendants.
28

Case No. CV 09-1224-CW

**STIPULATION AND ORDER
PERMITTING MICROSOFT TO
FILE ITS AMENDED ANSWER AND
COUNTERCLAIMS TO BACKWEB
TECHNOLOGIES, LTD.'S SECOND
AMENDED COMPLAINT AND
GRANTING MICROSOFT
ADDITIONAL TIME TO SERVE
DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT
CONTENTIONS**

1 WHEREAS, Plaintiff BackWeb Technologies, Ltd. ("BackWeb") filed a Second
2 Amended Complaint alleging infringement against Microsoft Corp. ("Microsoft") on July 22,
3 2009;

4 WHEREAS, Defendant Microsoft filed an Answer And Counterclaims to
5 Plaintiff's Second Amended Complaint on August 10, 2009;

6 WHEREAS, Defendant Microsoft wishes to file an additional counterclaim against
7 BackWeb;

8 IT IS HEREBY STIPULATED by and between BackWeb and Microsoft (the
9 "Parties") through their designated counsel as follows:

10 1. the Parties agree that Defendant Microsoft shall have leave to file an
11 Amended Answer and Counterclaims To BackWeb Technologies, Ltd.'s Second Amended
12 Complaint no later than September 15, 2009;

13 2. the Parties agree that Defendant Microsoft shall have until October 9, 2009
14 to serve its Disclosure of Asserted Claims and Infringement Contentions (the "Disclosure")
15 required by Patent Local Rule 3-1 and to produce the documents accompanying the Disclosure
16 required by Patent Local Rule 3-2; and

17 3. the Parties agree that Plaintiff BackWeb shall have until November 20,
18 2009 to serve its Invalidity Contentions required by Patent Local Rule 3-3 and to produce the
19 documents accompanying the Invalidity Contentions required by Patent Local Rule 3-4.

20 **IT IS SO STIPULATED.**

21 Dated: September 14, 2009

/ s / Eric L. Wesenberg / s /

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12 /s/ Bruce Wecker /s/
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19 BACKWEB TECHNOLOGIES, LTD

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21 **CERTIFICATION PURSUANT TO GENERAL ORDER 45**

22 Pursuant to General Order 45X.B, I, Eric L. Wesenberg, attests that the above signatories
23 for the BackWeb Technologies, Ltd. have concurred and consented to the filing of this document.

24 DATED: September 14, 2009

25 /s/ Eric L. Wesenberg /s/
Eric L. Wesenberg

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 16, 2009

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', written over a horizontal line.

Honorable Claudia Wilken
U.S. DISTRICT COURT JUDGE

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